## REMARKS/ARGUMENTS

In the proposed amendment, claims 1-9 remain in this application. Claims 10 through 18 have been canceled. Claims 1, 4, 5, 6 have been amended.

Claim Rejections under 35 U.S.C. 103

The Office Action rejected claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6157636 to Voit (the Voit reference) in view of U.S. Patent 6640248 to Jorgensen (the Jorgensen reference).

Claim 1 has been amended to included "performing load balancing of active data service sessions across multiple paths in the network to the same destination". As explained on page 14, lines 15 through 21 of the specificaiton, "This is an innovative feature because it can ensure every service sessions (which consists of several packets) receives more predictable QoS as opposed to load balancing for individual packets that can disrupt QoS for service sessions."

Neither the Voit reference or the Jorgensen reference, whether taken alone or in any reasonable combination teach, suggest or otherwise render the presently claimed invention unpatentable. As admitted in the Office Action, the Voit reference fails to even identify data flows of different service levels. The Jorgensen reference only reference priority to different IP flows, see column 22, lines 43 through 64, but nowhere discloses that a performing load balancing of active data service sessions across multiple paths in the network to the same destination.

With respect to newly added claim 19, neither the Voit reference or the Jorgensen reference, whether taken alone or in any reasonable combination teach, suggest the requirements of the claim, *inter alia*, of "performing load balancing of service sessions by transmitting service sessions across multiple paths in the network to the same destination." As admitted in the Office Action, the Voit reference fails to even identify data flows of different service levels. The Jorgensen reference only reference priority to different IP flows, see column 22, lines 43 through

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64, but nowhere discloses that a performing load balancing of service sessions by transmitting service sessions across multiple paths in the network to the same destination.

It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner's rejection of the claims and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

ALCATEL

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